

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

290 Broadway

New York, New York 10007-1866

NOTICE OF DRAFT MODIFICATION TO UNDERGROUND INJECTION
CONTROL PERMIT TO INJECT FLUIDS INTO INJECTION WELLS

Public Notice No. 04-25

Permit No. UIC3NY002

Date: June 4, 2004

Texas Brine Company, LLC, 4800 San Felipe, Houston, Texas 77056, has requested of the United States Environmental Protection Agency (EPA), under the provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. 300f et seq., the modification of an Underground Injection Control (UIC) permit to inject fluids into injection wells at its facility at Saltvale Road, Wyoming, New York 14591. The permit modification will allow an expansion of the injection activity to land recently acquired by Texas Brine Company adjacent to the area already covered by the permit. The land to be added to the permitted area comprises much of the property east of the current brine field and south of LaGrange Road, north of Cowie Road and west of Dillon Road but does not include the property on the northwest corner of Dillon Road and Cowie Road.

Texas Brine Company injects fresh water, or fresh water mixed with excess brine precipitates, into Class III injection wells, in accordance with UIC Permit UIC3NY002, for the purpose of solution mining salt.

In accordance with the EPA Region 2 Interim Environmental Justice Policy, dated December 20, 2000, the area surrounding the facility was evaluated using this Region's Geographic Information Systems application. Based on this evaluation, it was determined that the community of concern was not a potential environmental justice community.

This notice is being given to inform the public that EPA has prepared a draft permit modification. This draft-modified permit consists of standards, prohibitions and other conditions necessary to carry out the provisions of the SDWA. If, after the conclusion of the proceedings summarized below, the Director of the Division of Enforcement and Compliance Assistance of Region 2 of EPA makes a final decision to modify the permit, the permittee will be required to comply with all the conditions in the permit.

The draft permit modification prepared by EPA is based on the administrative record. All information submitted by the permittee is available as part of the administrative record, subject to provisions of law restricting the public disclosure of confidential information. The administrative record is on file at the address given below and may be inspected and copied at a charge of \$.20 per copy sheet at any time between 8:30 A.M. and 4:00 P.M., Monday through Friday. Copies of the draft-modified permit and other available information may be obtained by writing to the address below.

Interested persons may submit comments on the draft permit modification to the Chief, Ground Water Compliance Section at the address below no later than thirty days from the date of this notice. All persons, including the permittee, who believe that preparation of the draft permit modification was not appropriate have an obligation to raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position,

including all supporting material, by the close of the public comment period. All supporting material must be submitted in full unless it is already included in the administrative record. If the Director of the Division of Enforcement and Compliance Assistance finds that comments timely submitted appear to raise substantial new questions, she may reopen the public comment period.

The permittee and any other person who submits timely written or oral comments or requests notice of the final permit-modification decision shall receive notice of the Division Director's final decision. Within 30 days of service of such notice, any interested person may petition the Administrator to review any condition of the permit-modification decision.

Written comments on the draft-modified permit must be sent to:

John S. Kushwara, Chief
Water Compliance Branch
U.S. Environmental Protection Agency
290 Broadway, 20th Floor
New York, New York 10007-1866

Dore LaPosta, Director

Division of Enforcement and Compliance Assistance